IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.341 OF 2006

Rajiv Prabhulal Samani ...Petitioner

Versus

Mrs Dipti R.Samani & Anr. ...Respondents

Shri M.M.Vashi for the Petitioner.
Shri C.N.Mehta for the Respondent No.2.

CORAM : ABHAY S.OKA, J.
DATED : JUNE 26, 2007.

P.C.:

1. My attention has been invited to the order dated 25th April, 2007 which records the assurance of the first Respondent to abide by clause No.13 of the order dated 03rd August, 2006. Shri Vashi appearing for the Petitioner states that the Petitioner could not avail of the order passed on 03rd August, 2006 as he was hospitalised.

2. In order dated 25th April, 2007 a categorical assurance of the first Respondent has been recorded that she is ready and willing to give access to the Petitioner to meet the minor child in terms of clause No.13 of the order passed by this Court. My attention has been also invited to various averments made in the reply filed by the first Respondent and in particular paragraph No.11 thereof. In view of the statements made

by the first Respondent in paragraph No.11 of her affidavit and the statement recorded in order dated 25th April, 2007, as of today, no case is made out for proceeding further against the first Respondent under the Contempt of Courts Act, 1971.

3. Accordingly, notice issued to the first Respondent is discharged. Petition is disposed of.

JUDGE